

## Message Text

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PAGE 01 GENEVA 09620 01 OF 02 021911Z

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ACTION NODS-00

INFO OCT-01 ISO-00 /001 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 3965

S E C R E T SECTION 1 OF 2 GENEVA 9620

NODIS

TO THE DEPUTY SECRETARY FROM REINHARDT

DEPT PASS LONDON FOR SEITZ AND MASERU FOR AMB SCHAUFELLE

E.O. 11652: XGDS-1

TAGS: PFOR RH UK

SUBJ: RHODESIA CONFERENCE: PATRIOTIC FRONT'S PROPOSED  
INTERIM GOVERNMENT

1. DURING THE DEC 2 INTER-DELEGATION MEETING, THE  
PATRIOTIC FRONT TABLED ITS DETAILED PROPOSAL FOR AN  
INTERIM GOVERNMENT.

END SECRET NODIS

2. BEGIN UNCLASSIFIED TEXT

PATRIOTIC FRONT

STRUCTURE OF THE PROPOSED TRANSITIONAL GOVERN-  
MENT OF SOUTHERN RHODESIA

PART 1 THE RESIDENT COMMISSIONER

DURING THE PERIOD OF THE TRANSITIONAL GOVERNMENT THE UK,  
WHICH, AS THE COLONIAL POWER, HAS FULL RESPONSIBILITY TO  
DECOLONISE SOUTHERN RHODESIA (SR), WILL BE REPRESENTED BY  
A RESIDENT COMMISSIONER (RC). HIS FUNCTIONS WILL BE

SECRET

SECRET

PAGE 02 GENEVA 09620 01 OF 02 021911Z

SPECIALLY ADAPTED TO FIT THE CURCUMSTANCES OF THE TRAN-

SITIONAL GOVERNMENT.

A. APPOINTMENT

(1) THE FORMAL APPOINTMENT OF THE RC WILL BE MADE BY THE UK GOVERNMENT.

(2) IN REALITY THE RC WILL BE APPOINTED ON THE RECOMMENDATION OF THE PROSPECTIVE CM MADE BEFORE THE CONCLUSION OF THE GENEVA CONFERENCE.

(3) IF IT BECOMES NECESSARY TO APPOINT A SUCCESSOR TO THE RC, THEN THIS SHALL BE DONE WITH THE AGREEMENT OF 17 MEMBERS OF THE COUNCIL OF MINISTERS (WHICH WILL CONSIST OF 25 MINISTERS).

(4) THE RC WILL BE APID A SALARY AND ALLOWANCES TO BE PRESCRIBED IN THE UK ORDER IN COUNCIL AND TO BE FUNDED BY THE UK TREASURY.

(5) IN ADDITION TO THE RESIDENT COMMISSIONER THERE SHALL BE A DEPUTY RESIDENT COMMISSIONER (DRC) WHO SHALL BE FORMALLY APPOINTED BY THE UK GOVERNMENT. AS IN THE CASE OF THE RC, SUCH APPOINTMENT SHALL BE APPROVED IN ADVANCE AT THIS GENEVA CONFERENCE. IF THE OFFICE OF THE RC BECOMES VACANT, OR THE RC IS ABSENT FROM THE COUNTRY OR FOR ANY REASON IS UNABLE TO FUNCTION, THEN THE DRC SHALL ASSUME THE FUNCTIONS OF THE RC DURING SUCH VACANCY OR PERIOD.

(6) IN ORDER TO PROVIDE FOR ANY CONTINGENCIES WHICH MAY BRING ABOUT VACANCIES IN BOTH OFFICES OR DIFFICULTIES IN APPOINTING SUCCESSORS TO EITHER OFFICE, THIS GENEVA CONFERENCE SHOULD AGREE ON A RESERVE LIST, IN ORDER OF PREFERENCE, OF APPROVED CANDIDATES FOR THE OFFICE OF RC OR DRC.

(7) THE RC AND DRC WILL BE APPOINTED BY LETTERS PATENT. SUCH LETTERS PATENT MUST CHARGE THE RC AND DRC WITH THE DUTIES OF ENSURING THAT THE GENEVA AGREEMENT WILL BE  
SECRET

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PAGE 03 GENEVA 09620 01 OF 02 021911Z

FULLY AND PROPERLY IMPLEMENTED, AND THAT INDEPENDENCE WILL BE ACHIEVED IN THE MANNER AND WITHIN THE TIME PLANNED, AND THAT IN THE INTERIM PERIOD THERE WILL BE GOOD AND ORDERLY GOVERNMENT. IN ALL CASES WHERE THEY ARE CALLED UPON TO EXERCISE ANY DISCRETION, SUCH DISCRETION MUST BE EXERCISED IN THE LIGHT OF THE FOREGOING DUTIES. FOR EXAMPLE THIS WOULD APPLY IN THE CASE WHERE THE RC HAS A DISCRETION TO CONCUR OR NOT IN THE DISMISSAL OF A

MINISTER, OR TO USE POWER AS A DEADLOCK BREAKER (WHERE PUBLIC ORDER OR GOOD GOVERNMENT REQUIRE SUCH POWER TO BE EXERCISED AS E.G., IN B7 (K) BELOW).

(8) THE RC AND DRC WILL HOLD OFFICE DURING PLEASURE AND WILL BE RESPONSIBLE TO THE UK GOVERNMENT. THE CM MAY AT ANY TIME ON A RESOLUTION SUPPORTED BY NOT LESS THAN 17 AFFIRMATIVE VOTES RECOMMEND THE REMOVAL OF THE RC OR THE DRC.

#### B. FUNCTIONS

(1) THE FORMAL EXECUTIVE AUTHORITY OF SR WILL BE VESTED IN THE RC.

(2) THE RC WILL APPOINT A COUNCIL OF MINISTERS CONSISTING OF THE PM AND OTHER MEMBERS OF THE CM. (SEE PART II BELOW)

(3) THE RC WILL ACT IN THE EXERCISE OF HIS FUNCTIONS ON THE ADVICE OF A SIMPLE MAJORITY OF THE COUNCIL, UNLESS THE CONTRARY IS ELSEWHERE SPECIFIED. IN SOME CASES, IF A LAW SPECIFIES, HE MAY ACT ON THE ADVICE OF THE APPROPRIATE MINISTER.

(4) THE RC AND THE COUNCIL OF MINISTERS SHALL BE THE LEGISLATIVE AUTHORITY FOR SR.

(5) AS TO THE APPOINTMENT OF THE PM AND OTHER MINISTERS BY THE RC, SEE PART II A AND B.

(6) AS TO THE QUORUM FOR A MEETING OF THE COUNCIL OF MINISTERS, SEE PART IIF (1).

SECRET

SECRET

PAGE 04 GENEVA 09620 01 OF 02 021911Z

(7) ORDINARILY THE RC ACTS ON THE ADVICE OF THE PRIME MINISTER. HOWEVER, IN THE CASE OF THE RESERVE POWERS THE FOLLOWING LIMITATIONS SHALL APPLY:

(A) THE RC SHALL ACCEPT THE ADVICE OF THE PM UNLESS THE PM DOES NOT COMMAND THE SUPPORT OF THE MAJORITY OF THE CM ON THAT ISSUE.

(B) THE RC SHALL DISMISS A MINISTER -

(1) ON THE ADVICE OF THE PM SUPPORTED BY A RESOLUTION PASSED BY 13 MINISTERS REQUESTING SUCH DISMISSAL ON THE GROUNDS OF FAILURE TO IMPLEMENT THE POLICY OF THE CM OR OF MISCONDUCT, AND PROVIDED THAT THE RC IS SATISFIED

THAT SUCH DISMISSAL IS WARRANTED; OR

(2) ON A RESOLUTION PASSED BY 17 MINISTERS REQUESTING SUCH DISMISSAL.

(C) THE RC SHALL NOT DISMISS THE PM UNLESS HE HAS RECEIVED A RESOLUTION PASSED BY 21 MINISTERS REQUESTING HIS DISMISSAL AND PROVIDED ALSO THAT HE IS SATISFIED THAT SUCH DISMISSAL IS WARRANTED, IN WHICH EVENT HE SHALL DISMISS THE PM.

(D) THE RC SHALL NOT DISMISS THE CM AS A WHOLE (I.E., SUSPEND THE TRANSITIONAL GOVERNMENT) UNDER ANY CIRCUMSTANCES.

(E) NO COURT SHALL ENQUIRE INTO ANY QUESTION AS TO WHETHER THE RC ACTED ON ADVICE OR NOT, ON WHOSE ADVICE HE ACTED, ON THE NATURE OF ANY ADVICE, OR INTO THE OBSERVANCE OR OTHERWISE OF ANY CONSTITUTIONAL CONVENTIONS.

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PAGE 01 GENEVA 09620 02 OF 02 021936Z

44

ACTION NODS-00

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 3966

S E C R E T SECTION 2 OF 2 GENEVA 9620

NODIS

TO THE DEPUTY SECRETARY FROM REINHARDT

DEPT PASS LONDON FOR SEITZ AND MASERU FOR AMB SCHAUFELLE

(F) THE PREROGATIVE OF MERCY SHALL BE EXERCISED ON THE ADVICE OF THE CM.

(G) NO ROYAL INSTRUCTIONS SHALL BE GIVEN TO THE RC

AND THE ORDER IN COUNCIL SHALL SO SPECIFY.

(H) WHEN A BILL PASSED BY THE CM IS PRESENTED TO THE RC FOR ASSENT, HE SHALL, WITHOUT DELAY, SIGNIFY THAT HE ASSENTS TO THE BILL. HE SHALL NOT UNDER ANY CIRCUMSTANCES REFUSE ASSENT.

(I) THERE WILL BE NO PROVISION FOR RESERVATION OF BILLS EITHER IN THE ORDER IN COUNCIL OR BY ANY PREROGATIVE INSTRUMENT AND IT SHALL BE EXPRESSLY PROVIDED THAT THE RC HAS NO POWER TO RESERVE BILLS.

(J) THE POWER OF DISALLOWANCE SHALL, SO FAR AS IT AFFECTS S. RHODESIA, BE ABOLISHED.

(K) IN SITUATIONS WHERE THERE IS A DEADLOCK IN THE CM IT MAY BE OF THE UTMOST IMPORTANCE THAT A PARTICULAR MOTION BE GIVEN EFFECT WHERE ACTION IS NECESSARY IN THE INTERESTS OF PUBLIC ORDER OR GOOD GOVERNMENT. IF SUCH A MOTION FAILS TO RECEIVE A PRESCRIBED SPECIAL MAJORITY  
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SECRET

PAGE 02 GENEVA 09620 02 OF 02 021936Z

THE RC SHOULD BE GIVEN POWER TO GIVE EFFECT TO IT IF IN HIS OPINION IT IS NECESSARY AS AFORESAID. WE SUGGEST THAT THE "CERTIFICATION OF BILLS" PROCEDURE USED IN TRANSITIONAL ARRANGEMENTS OR IN THE PRE-INDEPENDENCE PHASE IN RESPONSIBLE GOVERNMENT COLONIES BE ADOPTED.

THE AREAS IN WHICH THIS PROCEDURE WOULD BE USED ARE:

THE DECLARATION OF A STATE OF EMERGENCY AND EXECUTIVE ACTION TO MEET THREATS TO PUBLIC SECURITY.

THE VOTING PROVISIONS IN THESE AREAS ARE SET OUT IN PART II,F(3) (D).

PART 2 THE COUNCIL OF MINISTERS (CM).

A. COMPOSITION

THE CM SHALL CONSIST OF 25 MEMBERS INCLUDING THE PM.

B. APPOINTMENT

(1) THE PM SHALL BE APPOINTED BY THE RC IN ACCORDANCE WITH THE TERMS OF THE GENEVA AGREEMENT.

(2) THE OTHER MINISTERS SHALL BE APPOINTED IN ACCORDANCE WITH A FORMULA CONTAINED IN THE GENEVA AGREEMENT, WHICH SHALL PROVIDE INTER ALIA THAT AT LEAST FOUR-FIFTHS

OF THE MEMBERS OF THE CM, INCLUDING THE PM, SHALL BE FROM THE LIBERATION MOVEMENT.

C. DISMISSAL

SEE PART I, B (7) (B), (C) AND (D) ABOVE.

D. REPLACEMENT

A REPLACEMENT MINISTER, INCLUDING THE PM, SHOULD REPRESENT THE SAME INTERESTS AS THE FORMER MINISTER.

E. FUNCTIONS

SECRET

SECRET

PAGE 03 GENEVA 09620 02 OF 02 021936Z

1. GENERAL

(A) TO ADVISE THE RC IN THE EXERCISE OF HIS EXECUTIVE AUTHORITY,

(B) TO ACT, TOGETHER WITH THE RC, AS THE SUPREME LEGISLATIVE AUTHORITY AND TO MAKE LAWS FOR THE PEACE, ORDER AND GOOD GOVERNMENT OF SR.

2. SPECIFIC

(A) UNLESS THIS HAS ALREADY BEEN DONE AT GENEVA, TO SET UP A CONSTITUTIONAL COMMITTEE AND TO SUPERVISE THE DRAWING UP OF A NEW CONSTITUTION ON THE BASIS OF ONE MAN ONE VOTE,

(B) TO PREPARE FOR AND HOLD ELECTIONS ON THE BASIS OF THE INDEPENDENCE CONSTITUTION.

F. TRANSACTION OF BUSINESS

(1) QUORUM

THE QUORUM FOR ALL MEETINGS OF THE CM SHALL BE 13.

(2) CHAIRMAN

THE CHAIRMAN OF MEETINGS OF THE CM SHALL BE THE PM, OR IN HIS ABSENCE SUCH MINISTER AS SHALL HAVE BEEN NOMINATED BY THE PM TO DEPUTISE FOR HIM AS CHAIRMAN. IN THE ABSENCE OF BOTH THE PM AND A NOMINATED DEPUTY THE MINISTERS PRESENT SHALL ELECT ONE OF THEIR NUMBER TO ACT AS CHAIRMAN OF THAT MEETING.

(3) VOTING.

(A) SAVE WHERE OTHERWISE SPECIFICALLY PROVIDED, DECISIONS WILL BE BY A SIMPLE MAJORITY OF THOSE PRESENT AND VOTING, PROVIDED THAT THERE SHALL BE NOT LESS THAN 9 AFFIRMATIVE VOTES.

SECRET

SECRET

PAGE 04 GENEVA 09620 02 OF 02 021936Z

(B) SUBJECT TO (C), LEGISLATION AND THE APPROVAL OF THE DRAFT INDEPENDENCE CONSTITUTION WILL REQUIRE 13 AFFIRMATIVE VOTES.

(C) AMENDMENT OF THE TRANSITIONAL CONSTITUTION OR A RESOLUTION RECOMMENDING THE REMOVAL OF THE RC OR THE DRC REQUIRES 17 AFFIRMATIVE VOTES.

NOTE: THE POWER OF AMENDMENT WILL BE SEVERELY RESTRICTED. WE PROPOSE THAT THE FOLLOWING CHAPTERS WILL BE UNALTERABLE:

RESIDENT COMMISSIONER  
COUNCIL OF MINISTERS  
JUDICIARY  
PUBLIC SERVICE  
CONSTITUTIONAL COMMITTEE  
ELECTORAL AND DELIMITATION COMMISSION  
AMENDMENT PROCEDURE

(D) THE DECLARATION OF A STATE OF EMERGENCY AND EXECUTIVE ACTION TO MEET THREATS TO PUBLIC SECURITY WILL REQUIRE 17 AFFIRMATIVE VOTES, PROVIDED THAT A MOTION WHICH HAS RECEIVED NOT LESS THAN 13 AFFIRMATIVE VOTES MAY BE GIVEN EFFECT TO BY THE RC BY VIRTUE OF HIS POWERS UNDER PARAGRAPH B (7) (K) ABOVE.

(4) THE CM SHALL BE MASTER OF ITS OWN PROCEDURES.

(5) ALL DELEGATED LEGISLATION SHALL BE LAID BEFORE THE CM WITHIN 3 DAYS OF ITS PUBLICATION AND SHALL REMAIN OF FULL FORCE AND EFFECT UNLESS ANNULLED BY THE CM WITHIN 14 DAYS THEREAFTER.

END UNCLASSIFIED TEXT

BEGIN SECRET NODIS

3. COMMENT: THE DOCUMENT IS SKILLFULLY WORDED BUT OBVIOUSLY PROCEEDS FROM PRINCIPLES WHICH ARE UNACCEPTABLE  
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SECRET

PAGE 05 GENEVA 09620 02 OF 02 021936Z

AND CONTAINS PROVISIONS WHICH ARE NOT PRACTICAL. THE  
BRITISH SUSPECT THAT IT IS THE WORK OF CLAIRE PALLEY,  
THE AUTHOR OF A CONSTITUTIONAL HISTORY OF RHODESIA, AND  
LEO BARRON. BOTH ARE MEMBERS OF NKOMO'S DELEGATION.  
NO ONE ON MUGABE'S DELEGATION HAS THE TECHNICAL ABILITY  
TO DESIGN A DOCUMENT OF THIS SORT. HENRY STEEL, THE  
BRITISH DELEGATION'S CONSTITUTIONAL EXPERT, NOTED THAT NOT  
SINCE THE LAST STAGES OF SINGAPORE'S COLONIAL EXPERIENCE HAS  
A COLONY EVER HAD A SAY IN PICKING ITS GOVERNOR GENERAL.  
UNDER THE PATRIOTIC FRONT'S PROPOSAL, THE INTERIM GOVERN-  
MENT WOULD SELECT THE GOVERNOR GENERAL, HAVE THE POWER  
TO FIRE HIM, DICTATE HIS WORK AND LEAVE THE BRITISH  
GOVERNMENT ONLY WITH THE RESPONSIBILITY FOR PAYING HIS  
SALARY.CATTO

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## Message Attributes

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